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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,905	01/29/2002	Gilad Odinak	WING-1-1007	7408

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EXAMINER	
FOSTER, ROLAND G	
ART UNIT	**PAPER NUMBER**
2645	2

DATE MAILED: 07/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/059,905	ODINAK ET AL.	
	Examiner	Art Unit	
	Roland G. Foster	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 January 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1, 11, 13, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobs et al. (U.S. Patent No. 5,956,683) (Hereinafter "Jacobs").

With respect to claim 11, see the following the paragraphs for details on how Jacobs anticipates particular limitations within the claim.

"[R]eceiving user voice input at a user system" reads on the Fig. 2 and col. 5, lines 22-25 where user voice input is received at portable telephone 40 (user system).

"[P]erforming front-end voice processing of the received user voice input at the user system, wherein the front-end voice processing includes sampling the received user voice input" reads on Fig. 2 and col. 5, lines 25-30 as follows. Local (front-end) voice processing of the received voice is performed at the telephone (user system). The front-end voice processing includes "sampling" in the forms of a digitizing analog signals (which requires sampling the analog waveform) and initial feature analysis (which requires sampling the digital signal).

"[S]ending the front-end processed user voice input to a server over a network" reads on Fig. 2, and col. 5, lines 35-56 where the processed voice input is sent to central communications center 42 (server) over the telephone network.

"[C]ompleting voice processing of the sent front-end processed user voice input at the server" reads on col. 5, lines 44-56 where voice processing (word decoding, linguistic

estimation, and action signal generation) is completed at the central communications center 42 (server).

"[P]erforming a function at the server based on the completed voice processing" reads on col. 5, lines 44-56 where the central communication center 42 (sever) "performs the functions of amplification, modulation, and coding of the action signal" which is based on the completed voice processing as discussed above.

Claim 1 differs substantively claim 11 in that claim 1 is recited more broadly than claim 1. Therefore, see the claim 1 rejection for further details.

Claim 13 differs substantively from claim 11 in that claim 13 recites a system that performs functions equivalent to the method steps of claim 11. Therefore, see the claim 11 rejection for additional details. Further, claim 13 recites named system components that read on Fig. 2 of Jacobs as follows: "a microphone" reads on microphone 20; "a processor configured to perform front-end voice processing" reads on feature extraction element 22 which "processes" the received user voice input in the front end; "a communication component configured to send"

reads on transmitter 24; "a communication component configured to receive" reads on receiver 46; "a processor configured to complete voice processing" reads on word decoder 48 which further "processes" the processed user voice input in order to generate an action signal as discussed above.

Claim 24 differs substantively from claim 11 in that claim 24 recites a means that performs functions equivalent to the method steps of claim 11. Therefore, see the claim 11 for further details.

Claims 1, 2, 4-6, 10-14, 16-25, 27-29, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Moore et al. (U.S. Patent No. 6,125,284) (Hereinafter "Moore").

With respect to claim 11, see the following the paragraphs for details on how Moore anticipates particular limitations within the claim.

"[R]eceiving user voice input at a user system" reads on the abstract and Fig. 1 where user voice input is received at the mobile handset 1 (user system).

"[P]erforming front-end voice processing of the received user voice input at the user system, wherein the front-end voice processing includes sampling the received user voice input" reads on Fig. 4 and col. 2, lines 28-33 as follows. Local (front-end) voice processing of the received voice is performed at the handset (user system). The front-end voice processing includes "sampling" in the forms of a digitizing step 62 (which requires sampling the analog waveform) and initial feature analysis step 63 (which requires sampling the digital signals).

"[S]ending the front-end processed user voice input to a server over a network" reads on Fig. 1 and col. 2, lines 28-40 where the processed voice input is sent to central platform 5 (server) over the telephone networks 3 and 4.

"[C]ompleting voice processing of the sent front-end processed user voice input at the server" reads on col. 2, lines 28-40 where the "speech recognition process...[is]...completed in at remote central server."

"[P]erforming a function at the server based on the completed voice processing" reads on col. 2, lines 50-53.

Claim 1 differs substantively claim 11 in that claim 1 is recited more broadly than claim 1. Therefore, see the claim 1 rejection for further details.

Claim 13 differs substantively from claim 11 in that claim 13 recites a system that performs functions equivalent to the method steps of claim 11. Therefore, see the claim 11 rejection for additional details. Further, claim 13 recites named system components that read on Fig. 1 of Moore as follows: "a microphone" reads on microphone 8; "a processor configured to perform front-end voice processing" reads on DSP 7; "a communication component configured to send" reads on antenna 9; "a communication component configured to receive" reads on central platform 5; "a processor configured to complete voice processing" reads on voice processing host 35.

Claim 24 differs substantively from claim 11 in that claim 24 recites a means that performs functions equivalent to the method steps of claim 11. Therefore, see the claim 11 for further details.

With respect to claims 2, 14, and 25, see Fig. 1, wireless network 3.

With respect to claims 4 ,6, 16, 18, 27, and 29, see the claim 11 rejection above for further details.

With respect to claims 10, 23, and 33, see Fig. 2, voice processing host 35.

With respect to claims 5, 12, 17, 21, and 28, "performing front-end voice processing of the received user voice input comprises at last one of noise cancellation...or" reads on col. 4, lines 65-67.

With respect to claim 19, the handset comprises a DSP in the form of a RISC based, processor chip (col. 4, lines 63-65). A RISC based, processor chip is a "module" that can at the least be forcibly "removed" from the handset.

With respect to claim 20, the RISC based, processor chip is a "processing" module that performs the sampling discussed in the claim 11 rejection. See also col. 6, lines 30-40.

With respect to claim 22, the RISC based, processor chip (module) also performs phone adapter functions (e.g., voice to

digital conversion) and wireless network communication functions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 15, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore as applied to claims 1, 13, and 24 above, and further in view of Reed et al. (U.S. Patent No. 5,371,901) (Hereinafter "Reed").

Although Moore teaches of a mobile telephone as discussed above, Moore fails to disclose that the mobile telephone is used in a "vehicle".

However, Reed teaches of a mobile telephone, remote voice recognition system (abstract and Fig. 1) implemented in a vehicle (col. 2, lines 33-46).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add the mobile telephone as disclosed by the remote voice recognition system of Moore to a vehicle as taught by the remote voice recognition system of Reed.

The suggestion/motivation for doing so would have been to increase user-friendliness, flexibility, versatility and mobility by allowing the user to use the cellular telephone in a vehicle, as would have been notoriously well-known in the art. In addition, safety would have been increased because the voice-operated, mobile telephone disclosed by Moore would have allowed to user to drive the car while minimizing manual and distracting interaction with the telephone.

Claims 7-9 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs as applied to claims 1 and 24 above, and further in view of Kennedy, III et al. (U.S. Patent No. 5,539,810) (Hereinafter "Kennedy").

Although Jacobs discloses that processed user voice input is sent to the server, Jacobs fails to disclose: 1) "receiving

user system status information", 2) sending the status information and processed voice information "based on transmission requirements", 3) where the status information and voice information is "interspersed [in] distinct transmission packets", and 4) where the status information is sent when "no user voice is received."

However, Kennedy teaches of a mobile telephone system that supports data messaging in order to perform remote monitoring (Figs. 1, 7, and col. 1, lines 60-67, and col. 6, line 62 - col. 7, line 44). Specifically, the mobile telephone 216: 1) receives global positioning satellite (GPS) data 272 and other status information 274 and 276, 2) sends the status information (col. 7, lines 45-67) and voice information "based on unoccupied sections of the digital bit stream" (transmission requirements) (col. 5, lines 47-57), 3) where the status information and voice are interspersed by using the cellular digital packet data (CDPD) protocol (distinct transmission packets) (col. 5, lines 47-57). Because the status information is "interspersed" with voice (*supra*) and because the status information is sent during "unoccupied sections" of the bit stream (*supra*), the status information would be 4) sent when "no user voice is received" at the mobile telephone.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add the mobile telephone that 1) receives status information, 2) sends the information and voice based upon transmission requirements, 3) intersperses the information with voice in distinct transmission packets, and 4) when no user voice is received as taught by the mobile telephone system of Kennedy to the mobile telephone system disclosed by Jacobs.

The suggestion/motivation for doing so would have been to increase the accuracy, versatility, and flexibility of monitoring systems by transferring data over a mobile telephone system in order to monitor mobile people and vehicles (Kennedy, col. 1, lines 26-40). Further, the use of data messaging in mobile systems would have been recognized in the art of mobile communications as "mobile data messaging" (col. 1, lines 24-26). Finally, the efficiency of mobile data messaging would have been increased by conserving bandwidth by transmitting the data during "unoccupied sections of the digital bit stream" and interspersed with voice (Kennedy, col. 5, lines 47-55).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland Foster whose telephone number is (703) 305-1491. The examiner can normally be reached on Monday through Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S. Tsang, can be reached on (703) 305-4895. The fax phone number for this group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is
(703) 306-0377.

Roland G. Foster
Patent Examiner
July 11, 2002